

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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In re: Clearview AI, Inc. Consumer) Case No. 1:21-cv-00135

Privacy Litigation)

) Hon. Sharon Johnson Coleman

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UNOPPOSED MOTION FOR CLARIFICATION

Defendants Clearview AI, Inc. (“Clearview”), Hoan Ton-That, Richard Schwartz, Rocky Mountain Data Analytics LLC, and Thomas Mulcaire (collectively, the “Clearview Defendants”) respectfully move for a clarification that the April 9, 2021 Consolidated Class Action Complaint (dkt. 29) is the operative complaint against the Clearview Defendants. In support of this Motion, the Clearview Defendants state as follows:

1. On April 9, 2021, Plaintiffs filed the Consolidated Class Action Complaint (dkt. 29) (the “April 9 Complaint”).
2. At a status conference on May 21, 2021, Plaintiffs’ counsel sought “leave to amend the underlying complaints to comport with the pleadings in the consolidated complaint,” and the Court granted leave (dkt. 78). In the Court’s order, it directed Plaintiffs’ counsel “to file the amended complaint on the lead case docket, 21-cv-00135, and designate to which case it applies to in their pleading.” *Id.*
3. On May 24, 2021, the Clearview Defendants timely filed a motion to dismiss the April 9 Complaint (dkt. 87, 88).
4. On May 25, 2021, Plaintiffs filed an amended underlying complaint in 1:20-cv-512 (dkt. 90) (the “May 25 Complaint”). Pursuant to the Court’s May 21, 2021 Order, Plaintiffs

filed the amended underlying complaint on the lead case docket, 21-cv-00135.

5. The Clearview Defendants request a clarification by the Court that:

- a) The April 9 Complaint is the operative complaint in the above-captioned action;
- b) Briefing on the Clearview Defendants' motion to dismiss the April 9 Complaint will proceed on the schedule set forth in the Court's May 25, 2021 minute entry (dkt. 89); and
- c) The May 25 Complaint is an underlying complaint in 1:20-cv-512 to which the Clearview Defendants have no obligation to respond.

6. Counsel for Plaintiffs has informed counsel for the Clearview Defendants that they do not oppose the clarification sought in this motion.

June 16, 2021

Respectfully submitted,

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